

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ISMAEL HERNANDEZ PADILLA,

Petitioner,

v.

**WILLIAMS STEPHENS, Director
Texas Department of Criminal Justice,
Correctional Institution Division,**

Respondent.

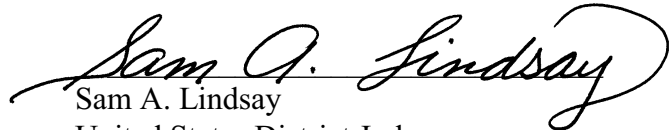
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Civil Action No. **3:13-CV-2273-L**

JUDGMENT

This judgment is issued pursuant to the court's order, dated July 24, 2013. It is therefore ORDERED, ADJUDGED, and DECREED that Ismael Hernandez Padilla's ("Padilla" or "Petitioner") Petition for Writ of Habeas Corpus by a Person in State Custody *as to his rape conviction* is **dismissed without prejudice** for lack of subject matter jurisdiction, as he is no longer in custody for this conviction, and that Padilla's Petition for Writ of Habeas Corpus by a Person in State Custody *as to his robbery conviction* is successive and **dismissed without prejudice** for lack of subject matter jurisdiction. It is ORDERED that the clerk of this court **transfer** this case to the United States Court of Appeals for the Fifth Circuit *to the extent that it relates to Padilla's robbery conviction*. It is further ORDERED that the clerk of this court shall transmit a copy of this judgment and a copy of the order dated July 24, 2013, accepting the Findings, Conclusions and Recommendation of the United States Magistrate Judge, to Petitioner.

Signed this 24th day of July, 2013.


Sam A. Lindsay
United States District Judge